

Compliance Assessment Report

Report ID:
CAR_NRW0032124

This form will report compliance with your permit as determined by an NRW officer

Site	Margam Green Energy Plant EPR/DP3137EG	Permit Ref	DP3137EG			
Operator/Permit holder	Margam Green Energy Ltd					
Regime	Installations					
Date of assessment	21/07/2017	Time in	14:00	Out	16:00	
Assessment type	Report/Data Review					
Parts of the permit assessed	Pre-operational conditions					
Lead officer's name	Jenkins, Nicholas					
Accompanied by						
Recipient's name/position	John Williams/ Construction Manager	Date issued	07/09/2017			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	0	Total compliance score (see section 5 for scoring scheme)	0
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Attendees

David Fisher - eco2

John Williams - eco2

David Emanuel - Terra Firma

Nick Jenkins - Natural Resources Wales

Agenda

- Submission of outstanding pre-operational conditions
- Update on commissioning dates
- Site Visit

The meeting was arranged at Natural Resources Wales' (NRW) office in Llandarcy to discuss the agenda above. A Compliance Assessment Report form (CAR) for the submission of Pre Operational conditions (PO) 3, 4 and 6 was created and sent to the operator 08/06/17 Ref CAR_NRW031725. This outlined the requirement to submit further information to satisfy the approval of the POs, where appropriate.

Pre operational condition 3

PO3	At least 5 months prior to the commencement of commissioning, the Operator shall submit a report on the baseline conditions of soil and groundwater at the installation. The report shall contain the information necessary to determine the state of soil and groundwater contamination so as to make a quantified comparison with the state upon definitive cessation of activities provided for in Article 22(3) of the IED. The report shall contain information, supplementary to that already provided in the application Site Condition Report, needed to meet the information requirements of Article 22(2) of the IED.
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The operator advised that the European Chemical Agency database references the classification, labelling and packaging regulations (CLP) and these would be submitted in the absence of the CLP references. Terra Firma confirmed that the codes are standard and that it would produce a list of onsite chemicals which NRW will send onto its geoscience team for review. This can be submitted as a new table and amended to the Background geo-environmental report Ref 13952 dated February 2017.

Pre operational condition 4

PO4	At least 5 months prior to the commencement of commissioning, the Operator shall submit a written report to Natural Resources Wales which provides a detailed summary of the site's hydrogeology, including groundwater flow direction and a brief description of aquifer properties (for example porosity and permeability). The report shall also include a detailed site drainage plan as built.
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Terra Firma advised that the groundwater flow direction is as expected and an updated report will be submitted as an additional Annex. The operator advised that background data will be available in two and a half weeks.

Pre operational condition 6

PO6	<p>At least 4 months prior to the commencement of commissioning, The Operator shall submit the written protocol referenced in condition 3.1.4 for the monitoring of soil and groundwater for approval by Natural Resources Wales. The protocol shall demonstrate how the Operator will meet the requirements of Articles 14(1)(b), 14(1)(e) and 16(2) of the IED.</p> <p>The procedure shall be implemented in accordance with the written approval from Natural Resources Wales.</p>
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We discussed the necessity to produce a protocol for the monitoring of groundwater and soil as specified in permit condition 3.1.4 and in PO6 above. Eco2 advised that it would review against the articles 14(1)(b), 14(1)(e) and 16(2) of the IED as well as Article 22 and submit to NRW. This will then be forwarded to our geoscience team for review.

Eco2 requested a Skype meeting once the review has been undertaken and if there are any questions that need to be answered before approval is given. NRW agree to this and will arrange if necessary.

Pre-operational condition 9

PO9	<p>At least 2 months prior to the commencement of commissioning; the Operator shall provide a written commissioning plan, including timelines for completion, for approval by Natural Resources Wales. The commissioning plan shall include the expected emissions to the environment during the different stages of commissioning, the expected durations of commissioning activities and the actions to be taken to protect the environment and report to Natural Resources Wales in the event that actual emissions exceed expected emissions. Commissioning shall be carried out in accordance with the commissioning plan as approved.</p>
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Eco2 advised that a new commissioning plan was issued 20 July 2017 and it is close to preparing a submission for PO9. NRW agreed that it would review the draft and report back any comments. Eco2 advised that it would submit a formal response within 2 weeks of the meeting. A draft commissioning plan and associated documents were emailed 04/08/17. This is currently being reviewed and a meeting has been arranged for 07/09/17 to discuss.

PO11 and 12 are to be submitted within 1 month of commissioning. An overview of how eco2 propose to undertake sampling and testing of co-incinerator bottom ash was discussed (PO11) but it did advise that it will apply the waste hierarchy where possible and is actively searching for companies to take the waste prior to analysis. PO12 will be subject to obligations under the fuel supply contract and its fuel management procedures. NRW has not had sight of these documents and is not required until at least 1 month before commissioning.

Update on commissioning dates

Eco2 provided a brief update in the first fire on biomass as 25/11/17 and the expectation is that the fire on diesel oil will be four weeks before i.e. 28/10/17.

[END]

EPR Compliance Assessment Report

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Operator/Permit holder	Margam Green Energy Ltd	Date	21/07/2017

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition.

Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. Health and Safety Executive, local authorities) on environmental issues
- Carrying out statistical analysis, research and development on environmental issues
- Providing public register information to enquirers
- Investigating possible breaches of environmental law
- Assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.